

REMARKS

By the foregoing, claim 1 is amended back to its originally-presented form, in view of the Examiner's advice that the USPTO has recently changed its interpretation of 35 USC §101, and that the claim as originally presented is statutory.

Interview Summary

The following is applicant's summary of the substance of an interview.

An interview was conducted Tuesday, October 9, 2007. One of the inventors, Frederick M. Shofner, was present in person, with Examiner Juan D. Valentin II, and Supervisory Patent Examiner Gregory J. Toatley, Jr. The undersigned attorney participated by telephone.

During the interview, Dr. Shofner demonstrated parts of an Uster length tester, including a Hertel comb sampler; as well as parts of a scanner-based length tester embodying the invention, including a version of a Hertel sampler. The exhibits included an actual tapered beard carried on a Hertel sampler. The discussion primarily focused on claim 2, and the disclosures of Ghorashi et al Pat. No. 5,907,394 and Shofner et al Pat. No. 5,539,515. Applicant pointed out, among other things, that Shofner et al No. 5,539,515 does not disclose imaging. Rather, the '515 Shofner et al patent discloses time-of-flight length measurements of individual fibers.

It is believed that agreement was reached, subject to final review, that the invention of claim 2 distinguishes patentably over the references, as well as independent claim 9.

The restriction requirement with reference to claims 12-16 was discussed. The restriction requirement is being maintained.

Conclusion

In view of the foregoing, it is believed that the application is in condition for allowance. Reconsideration and allowance are requested.

Group I claims 2-11 and 17-19 are in the case.

Respectfully submitted,

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